

SECRETARY OF STATE[721]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 48A.19(3) and 17A.3, the Secretary of State hereby gives Notice of Intended Action to amend Chapter 23, “Voter Registration in State Agencies,” Iowa Administrative Code.

The proposed amendments:

- Update the Voter Registration Commission’s contact information.
- Allow the Secretary of State’s office to keep an updated disposal calendar for National Voter Registration Act (NVRA) declination forms on the Secretary’s Web site, instead of in these rules.
- Add a new requirement that state agencies covered under the Iowa Voter Registration statute in Iowa Code chapter 48A track and report the number of acceptances and declinations of clients who are offered voter registration in compliance with Iowa Code chapter 48A, the enacting statute for the federal National Voter Registration Act of 1993.
- Provide for a narrow exemption regarding voter registration for agencies working with applicants who are minors under 17½ years of age and thus ineligible to register to vote. However, the requirement to offer voter registration opportunities to everyone else regardless of whether agencies know of issues that may impact the applicant’s right to vote will be maintained.

A public hearing will be held on December 23, 2015, at 8:30 a.m. in the Office of the Secretary of State, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Secretary of State’s office and advise of specific needs.

Written suggestions or comments should be directed to Eric Gookin, Election Administrator, Office of the Secretary of State, First Floor, Lucas State Office Building, Des Moines, Iowa 50319, on or before December 23, 2015.

Persons who want to convey their views orally should contact the Secretary of State’s office by telephone at (515)281-7550 or in person at the Secretary of State’s office on the first floor of the Lucas State Office Building on or before December 23, 2015.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 48A.19.

The following amendments are proposed.

ITEM 1. Amend rule 721—23.3(48A) as follows:

721—23.3(48A) Declination forms. The offer of voter registration shall include a declination form in substantially the following form:

STATE OF IOWA

Voter Registration Information

You can apply to register to vote when you apply for assistance. This agency is required to offer you the chance to register to vote.

Registration Rules—You must be registered before you can vote in an election.

To register to vote in Iowa you must—

- be a citizen of the United States
- be a resident of Iowa
- be at least 17½ years old (you must be 18 to vote)
- not have been convicted of a felony (or have had your rights restored)
- not currently be judged “mentally incompetent” by a court
- give up the right to vote in any other place.

Help: If you would like help in filling out the voter registration form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.

Benefits: Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.

Privacy: If you register to vote, the name of the office where you turn in the form will be kept private. If you do not register to vote, this fact will be kept private. This information will be used only for voter registration purposes.

Complaints: If you believe that someone has interfered with your right to

- register or to decline to register to vote,
- privacy in deciding whether to register,
- privacy in applying to register to vote,
- choose your own political party or other political preference,

you may file a complaint with:

Voter Registration Commission
~~Level B~~ Office of the Secretary of State
~~Hoover~~ Lucas State Office Building Telephone:
Des Moines, Iowa 50319 (515)281-5781
Telephone: (515)281-0145

If you are not registered to vote where you live now, would you like to apply to register to vote here today?

- Yes**, I want to register to vote.
- No**, I do not want to register to vote.

If you do not check either box, you will be considered to have decided not to register to vote at this time.

Sign here: X _____

Print your name: _____

Date: _____

ITEM 2. Amend rule 721—23.4(48A) as follows:

721—23.4(48A) Electronic declination records.

23.4(1) The agency may offer the opportunity to register to vote orally and record the applicant’s responses electronically. The agency shall ask each applicant the following questions:

“Did you receive a copy of the Voter Registration Information brochure?” If the applicant has not received it, the agency shall provide the applicant with a copy of the brochure and shall review it with the applicant. Then the applicant shall be asked the following question:

“If you are not registered to vote where you live now, would you like to apply to register to vote here today?” (The applicant may answer yes or no. If the applicant does not answer, the applicant shall be presumed to have declined to register to vote.)

23.4(2) The agency shall track the results of its voter registration activities in a form prescribed by the secretary of state’s office. The agency shall report those totals in the prescribed format to the elections division of the secretary of state’s office.

23.4(3) The secretary of state’s office shall make the information available upon request.

ITEM 3. Amend rule 721—23.5(48A) as follows:

721—23.5(48A) Retention and storage of declination forms. Declination forms shall be retained by the agency receiving them for 22 months after the next general election following receipt of the form. Declination forms signed during the ten days before a general election, when registration is closed, shall be retained for 22 months after the general election to be held in two years. The forms shall be stored in a secure location where the safety and confidentiality of the records can be protected. If the applicant’s responses are stored electronically, the declination record shall be retained by the agency for the same period of time required for paper declination forms. ~~The following schedule shall be followed:~~ The secretary of state’s office shall maintain on its Web site a schedule for disposal of declination forms.

| <u>Date declination signed</u> | <u>Election date</u> | <u>Earliest date to destroy</u> |
|--------------------------------|----------------------|---------------------------------|
| 10/24/04—10/28/06 | 11/07/06 | 09/07/08 |
| 10/29/06—10/26/08 | 11/04/08 | 09/04/10 |
| 10/27/08—10/23/10 | 11/02/10 | 09/02/12 |
| 10/24/10—10/27/12 | 11/06/12 | 09/06/14 |
| 10/28/12—10/25/14 | 11/04/14 | 09/04/16 |

ITEM 4. Amend rule 721—23.6(48A) as follows:

721—23.6(48A) Distribution of voter registration forms. ~~Every person~~ All persons, except those exempted by rule 721—23.10(48A), who receives receive an application for services or assistance from a designated voter registration agency shall be given, along with the application, a voter registration form and the declination form described in rule 721—23.3(48A).

ITEM 5. Amend rule 721—23.10(48A) as follows:

721—23.10(48A) Ineligible applicants.

23.10(1) Ineligible minor applicants. An agency that has applicants who are ineligible to vote because they are minors shall not offer an opportunity to register to vote to applicants who the agency has validated are under the age of 17½. The agency must still offer information about voter registration to all applicants.

23.10(2) All other ineligible applicants. ~~The~~ Except for those applicants specifically described in subrule 23.10(1), the opportunity to register to vote must be offered to every applicant. The applicant, not the agency, is responsible for determining the applicant’s eligibility to register to vote. The agency shall accept a registration form even if it is submitted by an applicant the agency believes to be ineligible to register to vote.

Applicants who are not accepted for services or assistance by an agency shall be offered the opportunity to register to vote. Even if the applicant will not receive services or assistance from the agency, voter registration forms shall be processed and transmitted not later than the final working day of the week to the appropriate county commissioner of elections as required by Iowa Code section 48A.21.